

Remarks

Claims 30-64 were pending in the subject application. By way of the response of this date, Applicant has amended claims 38 and 63 and canceled claims 30-37, 40-48, 50-52, 56 and 59. Claim 63 has been amended to re-write the claim as an independent claim. Support for the amendment made to claim 63 can be found, for example, at page 74, lines 18-19. Favorable consideration of the claims in view of this response, and in view of the remarks set forth herein, is earnestly solicited.

Claims 30, 38, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 56 and 59 have been rejected under 35 U.S.C. § 102(a) or 102(b) as being anticipated by a variety of GenBank Accession Nos. (e.g., AAR33389, H38848, H22266, AA249163, W37603, H22303, H43964, AA262427, W84569, R14337, AA713956, R20183, AA082927, and AA249450). Applicant respectfully submits that the claims are not anticipated by the cited GenBank Accession Nos. (e.g., certain of the sequences provided in the GenBank sequences are not in the proper reading frame to encode the recited polypeptides). However, in the interest of expediting allowance of the claims indicated as being allowable, Applicant is canceling the rejected claims and expressly reserves the right to represent these claims for further prosecution in a continuing application.

Claims 30-37 have been rejected under 35 U.S.C. § 112, first paragraph on the basis that the claims fail to comply with the written description requirement. Applicant respectfully disagrees with the rejection and submits that the subject invention does comply with the written description requirement set forth under 35 U.S.C. § 112, first paragraph. However, these claims have been canceled in order to expedite the allowance of the claims indicated as allowable in the Office Action of August 24, 2004, and Applicant expressly reserves the right to represent these claims for further prosecution in a continuing application.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

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In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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